

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 71 be amended to read as follows:

- 1           Page 2, delete lines 37 through 42, begin a new paragraph and
- 2           insert:
- 3           "SECTION 4. IC 10-1-9-20 IS AMENDED TO READ AS
- 4           FOLLOWS: Sec. 20. (a) A person whose DNA profile has been
- 5           included in the Indiana DNA data base may request expungement of
- 6           the profile from the DNA data base on the grounds that the conviction
- 7           on which the authority for inclusion in the Indiana DNA data base has
- 8           been reversed and the case has been dismissed:
- 9           (b) All identifiable information in the Indiana DNA data base
- 10          pertaining to a person requesting expungement under subsection (a)
- 11          shall be expunged and all samples from the person shall be destroyed
- 12          upon receipt of:
- 13               (1) a written request for expungement under subsection (a);
- 14               (2) a certified copy of the court order reversing and dismissing
- 15               the conviction; and
- 16               (3) any other information necessary to ascertain the validity of
- 17               the request.
- 18          (c) Upon expungement of a person's DNA profile from the Indiana
- 19          DNA data base, the superintendent shall request expungement of the
- 20          person's DNA profile from the national DNA data base:
- 21          (a) A DNA profile which has been included in the Indiana DNA
- 22          data base shall be expunged upon court notice that:
- 23               (1) the profile was included in the Indiana DNA data base as
- 24               a result of an arrest which did not lead to a conviction; or
- 25               (2) the conviction on which the authority for inclusion in the
- 26               Indiana DNA data base has been reversed and the case has
- 27               been dismissed.
- 28          (b) All identifiable information in the Indiana DNA data base
- 29          under subsection (a) shall be expunged and all samples from the
- 30          person shall be destroyed upon receipt of:

1           (1) a certified copy of the court order of dismissal or  
2           acquittal; or  
3           (2) a certified copy of the court order reversing and  
4           dismissing the conviction; and  
5           (3) any other information necessary to ascertain the validity  
6 of the notice.  
7           (c) Criminal courts shall forward to the superintendent a  
8 certified copy of any order of dismissal, acquittal or reversal in  
9 compliance with this section.  
10          (d) Upon expungement of a person's DNA profile from the  
11 Indiana DNA data base, the superintendent shall procure  
12 expungement of the person's DNA profile from the national DNA  
13 data base."

14          Delete page 3.

(Reference is to S.B. 71 as printed February 26, 1999.)

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Senator LANANE